

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, August 25, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, Acting County Manager and Ms. Patti Morrow, Recording Secretary.

*(Official minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)*

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Delauter reported on a recent Agricultural Business Council (ABC) meeting. He indicated the ABC voiced their concerns regarding the proposed watershed implementation and the PlanMaryland document.

Commissioner Shreve noted he attended the Maryland Association of Counties (MACo) summer conference. He said the counties were interested in holding monthly meetings.

Commissioner Smith also noted he attended the MACo summer conference. He also reported the Synergies Committee had issued their interim report and it would be presented at the September 20 joint BOCC/BOE meeting.

Commissioner Gray commented on the proposed action to request deferral of PlanMaryland to allow time to gain more clarity regarding the document.

Commissioner Young commented on the recent earthquake and the upcoming hurricane that was on the radar. He also noted a meeting he had recently attended with the various presidents of counties located in the western region of Maryland.

Commissioner Young presented a draft resolution for deferral of the PlanMaryland.

Commissioner Smith moved to approve the adoption of the resolution to defer PlanMaryland. Commissioner Delauter seconded the motion that passed 5-0.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager**

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

(Commissioner Delauter left the meeting.)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

**WORKSESSION**

**Recovery Month Proclamation**

The Board proclaimed the month of September as Recovery Month.

**Presentation of Certificate of Achievement for Excellence in Financial Reporting**

The Board presented the Finance Division with the Achievement of Excellence in Financial Reporting award.

**PUBLIC HEARING**

**To Consider the Temporary Suspension of Certain Water and Sewer Rules and Regulations for a Pilot Public Improvements Program – Kevin Demosky, Utilities and Solid Waste Management Division**

A public hearing was held, as duly advertised, on the consideration of a resolution that would suspend certain Water and Sewer Rules and Regulations in order to facilitate the pilot program for certain developer-funded public improvements.

Mr. Demosky presented the staff report.

Public comment was heard from:

- Steve Seawright, President, Frederick County Builders Association
- Mike Sponseller

Commissioner Smith moved to approve and adopt the resolution as presented to allow the pilot program to proceed. Commissioner Shreve seconded the motion.

Mr. John Mathias, County Attorney, noted the resolution would be effective August 25, 2011, and would expire on February 20, 2013. It was also noted the following sentence would be written as:

*This process can result in the payment of fees ~~from~~ ranging from ...*

Commissioner Gray expressed his concerns regarding this resolution.

The motion passed 3-1 with Commissioner Gray opposed and Commissioner Delauter absent.

(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**CONSENT AGENDA**

The following item was removed from the consent agenda:

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

Purchasing Memo #12-033 – Extension of Contract for Multifunction Copiers on a Cost-Per-Copy Basis for a Six-Year Duration.

(Commissioner Gray left the meeting.)

The following items remained on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #12-026 – Group Term Life Insurance for Employees (1<sup>st</sup> of 3 renewals)  
Award to: ING/Reliastar Life Insurance Company  
Award amount: Estimated contract amount - \$257,772.00 (October 1, 2011 – September 30, 2012)
2. Purchasing Memo #12-028 - Bid #11-17, Disaster Removal and Disposal Services of Tree and Brush Debris  
Award to: Various vendors  
Award amount: Based on unit pricing

**BUDGET AMENDMENT**

1. FY 2011 Frederick Community College Budget Amendment – Doug Browning, Frederick Community College

Commissioner Smith moved to approve the consent agenda as amended. Commissioner Young seconded the motion that passed 2-1 with Commissioner Shreve opposed and Commissioners Gray and Delauter absent.

**ADMINISTRATIVE BUSINESS**

**Bid Award - Purchasing Memo #12-033 – Extension of Contract for Multifunction Copiers on a Cost-Per-Copy Basis for a Six-Year Duration – Hal Good, Finance Division**

Mr. Austin Abraham, Management Services Division, and Ms. Sherry Weakley, Interagency Information Technologies Division (IIT), commented on the bid award.

(Commissioner Gray returned to the meeting.)

Commissioner Smith moved to approve Purchasing Memo #12-033. Commissioner Young seconded the motion that passed 3-1 with Commissioner Shreve opposed and Commissioner Delauter absent.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011****Approval of Board of County Commissioners' Meeting Minutes**

Commissioner Smith moved to approve the following minutes as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

- ◆ Tuesday, July 19, 2011
- ◆ Tuesday, July 19, 2011 – Evening
- ◆ Thursday, July 21, 2011
- ◆ Thursday, July 21, 2011 – Afternoon
- ◆ Tuesday, July 26, 2011 - Evening

**Bid Award – Purchasing Memo #12-029, Request to Authorize FY 2012 Parts and Services Blanket Order Agreements for Fleet Services – Hal Good, Finance Division**

Mr. Pat Hannah, Management Services Division, commented on the request.

Commissioner Gray moved to approve Purchasing Memo #12-029. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

**Amendments to the Frederick County Plumbing Code – Gary Hessong, Community Development Division**

Mr. Hessong presented the proposed amendments to the plumbing code to the Board.

Commissioner Gray moved to take the proposed ordinance amending the plumbing code through the public review process. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Delauter absent.

**Encroachment Agreement for Storm Drain Pipe – BP Solar – Beth Ramacciotti, Utilities and Solid Waste Management Division**

Ms. Ramacciotti presented a request for approval of an encroachment agreement for a portion of a private storm drainage pipe associated with the development of the BP Solar complex on Solarex Drive in Frederick.

Commissioner Smith moved to approve the agreement. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

**Resolution of Support for Maryland Asset Building and Community Development (ABCD) Network to Apply for the Maryland Community Investment Tax Credit Program – Jenny Short, Citizens Services Division**

Ms. Short presented a proposed resolution concerning ABCD Network's application to the Maryland Community Investment Tax Credits Program in support of providing free technical assistance to Frederick County in connection with the Affordable Housing Land Trusts.

Commissioner Young read the proposed resolution.

Ms. Karen Blandford, ABCD Network, provided comment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

(Commissioner Delauter returned to the meeting.)

Commissioner Smith moved to approve and adopt the resolution as presented. Commissioner Gray seconded the motion that passed 4-0-1 with Commissioner Delauter abstained.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**FY 2011 "On Behalf Of" Bond (OBO) Program – Jenny Short, Citizens Services Division**

Ms. Short presented the request to transfer Frederick County's 2011 Housing Bond allocation to the state of Maryland Community Development Administration (CDA) to issue bonds to fund the CDA Maryland Mortgage Program in Frederick County. The transfer process is known as the OBO Program.

Commissioner Smith moved to approve the assignment of Frederick County's 2011 Housing Bond authority to the Maryland Department of Housing and Community Development in the amount of \$7,678,854 for the OBO Program to fund the Maryland Mortgage Program in Frederick County. Commissioner Shreve seconded the motion that passed 5-0.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

Bethany Rogers, The Frederick News-Post

**CLOSED SESSION**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals and (3) to consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**ADJOURN**

The meeting adjourned at 12:00 p.m.

Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, AUGUST 25, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Time and Location:**

12:10 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the impact on one or more specific employees of a proposed consolidation of functions between divisions.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, AUGUST 25, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 25, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Time and Location:**

12:10 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, M. Gastley, L. Depies, S. Weakley, E. Soter, D. Ennis and P. Morrow.

**Topic Discussed:**

To discuss the impact on one or more specific employees of a proposed consolidation of functions between divisions.

**Action Taken:**

No action was taken.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 25, 2011**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, AUGUST 25, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Time and Location:**

12:10 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the feasibility of a sale of a county real property.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, AUGUST 25, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 25, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Time and Location:**

12:10 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, M. Gastley, R. McCain, L. Depies, A. Abraham, R. Tobin and P. Morrow.

**Topic Discussed:**

To discuss the feasibility of a sale of a county real property.

**Action Taken:**

The Board directed staff regarding the sale of a county property.

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Patricia Morrow  
Recording Secretary